

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RONALD PEARSON,
Plaintiff,

v.

ERIC HOLDER, et. al.,
Defendants.

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No. 3:09-CV-00682-O

ORDER

Before the Court is Plaintiff Ronald Pearson's Verified Motion to Reconsider the Court's Order Dated December 14, 2010 (ECF No. 35) filed on December 28, 2010. Plaintiff asks the Court to reconsider, set-aside, or alter its December 14, 2010 Order (ECF No. 32) in which it granted Defendant Valdez's Motion to Strike and removed Plaintiff's Amended Complaint from the record.

The Federal Rules of Civil Procedure state that courts should "freely give leave" to amend a pleading "when justice so requires." Fed. R. Civ. P. 15. A party may amend his pleading as a matter of course within 21 days of filing the pleading or within 21 days of the filing of a responsive pleading or motion. *Id.* In all other cases, the party may amend only with the consent of the opposing party or with leave of the court. *Id.* Prior to filing his amended complaint on November 22, 2010, Plaintiff did not ask the Court for leave. Additionally, the Fifth Circuit had not yet issued a mandate allowing the Court to determine whether the amendment of pleadings would be appropriate. The Fifth Circuit's mandate was not filed until December 17, 2010. *See* ECF No. 34.

In his motion to reconsider, Plaintiff requests that the Court grant permission for the filing of his First Amended Complaint. The Fifth Circuit has stated that a liberal construction is given to pro se pleadings. *See Cooper v. Sheriff, Lubbock Cnty., Tex.*, 929 F.2d 1078, 1081 (5th Cir. 1991).

The Court finds that Plaintiff's request for leave to amend his complaint pursuant to Rule 15(a) should be and is hereby **GRANTED**. Accordingly, the Court **ORDERS** Plaintiff to file his First Amended Complaint before **January 28, 2011**.

SO ORDERED on this **18th** day of **January, 2011**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE